

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

- - -

FREE SPEECH COALITION,  
INC., et al.,  
Plaintiffs,

vs.

NO. 2:09-4607

THE HONORABLE ERIC H.  
HOLDER, JR.,  
Defendant.

- - -

Oral deposition of EUGENE H. MOPSIK, taken  
at U.S. Attorney's Office, 615 Chestnut Street,  
Suite 1200, Philadelphia, Pennsylvania, on Tuesday,  
March 19, 2013, beginning at approximately 9:00  
a.m., before Maureen E. Broderick, Registered  
Professional Reporter and Notary Public in and of  
the Commonwealth of Pennsylvania.

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**EUGENE H. MOPSIK**

1 I'm not familiar. But I would assume that they  
2 exist.

3 Q So you can't think of any examples for any  
4 ASMP members in this category of independent film  
5 productions in adult entertainment?

6 A Me personally, no, I can't.

7 MS. WYER: We can take a break now.

8 MS. BAUMGARDNER: Okay. Thank you very  
9 much.

10 (Brief recess.)

11 BY MS. WYER:

12 Q So continuing -- and for the record, we  
13 just took a break. Now we're back and going back to  
14 the response to Interrogatory number 7.

15 The next sentence states, Some of our  
16 members create erotic portraits commissioned by  
17 adult couples or individuals for their own private  
18 use.

19 Did I read that accurately?

20 A Mm-hmm. Yes.

21 Q What is this sentence referring to?

22 A I would -- my understanding would be, and  
23 again I'm not -- I don't have direct knowledge of  
24 particular members who do this, but I'm aware of, I  
25 guess, this genre of work, and I guess it would

**EUGENE H. MOPSIK**

1 revolve around couples who, for one reason or  
2 another, want erotic portraits of each other, either  
3 of one partner or the other or both together as a  
4 gift memento, remembrance of the other partner.

5 Q Do you know how many ASMP members are in  
6 this category?

7 A No.

8 Q Can you name any examples?

9 A No.

10 Q Do you know if the ASMP members in this  
11 category know the individuals that they are  
12 photographing?

13 A Yes.

14 Q You know --

15 A Would believe, just because my members are  
16 professionals. They wouldn't be randomly  
17 photographing people in erotic circumstances. These  
18 would be commissioned works. So, I mean, whether  
19 they know them -- they're not bosom buddies; they're  
20 clients.

21 Q So they would not necessarily know them  
22 beforehand, they would just be hired to take --

23 A Clients. Client/photographer  
24 relationship.

25 Q So if there were any -- if we could

**EUGENE H. MOPSIK**

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C E R T I F I C A T E

COMMONWEALTH OF PENNSYLVANIA :  
:  
COUNTY OF PHILADELPHIA :

I, MAUREEN BRODERICK, Registered  
Professional Reporter - Notary Public, within and  
for the Commonwealth of Pennsylvania, do hereby  
certify that the proceedings, evidence, and  
objections noted are contained fully and accurately  
in the notes taken by me of the preceding  
deposition, and that this copy is a correct  
transcript of the same.

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MAUREEN BRODERICK  
Registered Professional  
Reporter - Notary Public